

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
JAYSON MCCA, :

Plaintiff, :

- against - :

THE STATE OF NEW YORK, et al., :

Defendants. :


-----x  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

USDS-SDNY  
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The complaint in this action having been filed on July 13, 2009, and a summons having been issued on August 26, 2009, and the Court having informed plaintiff by letter, dated December 2, 2009, of the obligation pursuant to Rule 4(m) of the Federal Rules of Civil Procedure to serve the summons and complaint within 120 days of filing and receipt of summons, and no response to that letter having been received, and there being no evidence of service, it is hereby

**ORDERED** that the complaint be dismissed without prejudice.

DATED: New York, New York  
December 30, 2009

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE